

REMARKS

Claims 1-39 are presented for examination. Claims 1, 19, 31, 37, and 39 are amended. Claims 2, 6, and 8 are cancelled.

Claims 26-39 were rejected under 35 U.S.C. §101 for allegedly not being supported by either a specific and substantial asserted utility or a well established utility. Specifically, The Office Action states that, "claims 26, 31, and 36-39 fail to ensure define statutory subject matter such that each of the claims discloses two statutory subject matters, i.e., machine and process". The Office Action further rejects claims 27-30 and 32-35 for depending on claims 26 and 31. Applicants respectfully disagree.

Claims 26 and 31 recite "A method for" and "said method comprising" such that it is clear that these claims recite a method. The fact that claims 26 and 31 "include" structural limitations does not confuse the subject matter since it is well accepted that a method claim may include structural limitations recited in its method steps.

Claims 36 and 37 recite "A computer program product for enabling a computer to" and "said computer program comprising the steps of", such that it is clear that these claims recite a process embodied by a computer program. Similarly, claims 38 and 39 recite "computer-readable media storing a computer program for causing a computer to" and "said computer program comprises steps of", such that it is also clear that these claims recite a process embodied in a computer-readable media. The inclusion of structural limitations in the recitation of claimed process steps is well accepted, and do not confuse their subject matter.

Claims 1-2, 6-9, 11, 18, 26, 28, 36, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yabuki (U.S. Pat. 5,796,351) in view of Rautila (U.S. Pat. 6,714,797).

Claims 3, 4, 12-17 and 29-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yabuki (U.S. Pat. 5,796,351) in view of Rautila (U.S. Pat. 6,714,797), and further in view of Dousaka et al. (JP 09-044754).

Claims 5, 10 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yabuki (U.S. Pat. 5,796,351) in view of Rautila (U.S. Pat. 6,714,797), and further in view of Ilen (WO 95/11496 A1).

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rautila (U.S. Pat. 6,714,797) in view of Ilen (WO 95/11496 A1).

Claims 19, 21, 24-45, 31, 33, 37 and 39 were rejected under U.S.C. §102(e) as being anticipated by Rautila (U.S. Pat. 6,714,797).

Claims 22-23 and 34-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rautila (U.S. Pat. 6,714,797) in view of Dousaka et al. (JP 09-044754).

Claim 1 is amended to incorporate the limitations of claims 2, 6, and 8, which are subsequently cancelled. In reference to claim 1, the Office Action asserts that Yabuki discloses, "a first memory (12, figure 1) for storing *service information* and a first control unit (11, figure 1) for retrieving *service information* from the first memory for transmission to the portable wireless device in response to, and corresponding to, a *service information* request ...sent by the portable wireless device to the external transmitting and receiving device". Applicants respectfully disagree and point out that Yabuki does not describe the transmission of any "service information". Rather, Yabuki describes the transmission of description data regarding the statistics of particularly selected objects or animals. That is, Yabuki's device is for use in a display arrangement, such as a zoo, and permits a user to requests facts about specifically marked items on display. For example, if a user points his hand-held device at a particular animal, the user may receive information regarding the name, age, origin, and other facts about the animal.

It is clear that these types of descriptive facts do not constitute "service information" for the user as disclosed in the present patent application. In the present patent application, the term "service information" refers to information regarding a service being offered to the user, a specific example of which is train transportation service.

The Office Action concedes that Yabuki does "differs from the claimed invention in not specifically teaching the first control unit for retrieving service information from the first memory for transmission to the portable wireless device when the portable wireless device is within range of the external transmitting and receiving device", but explains that "Rautila teaches a system for transferring digital data to a mobile device having a hotspot device for transmitting digital data to a user terminal ...when the user terminal is within the range of the hotspot device". The Office Action then asserts that it would be obvious to combine the teachings of Rautila with those of Yabuki.

Applicants respectfully disagree, and point out that the teachings of Rautila are in direct conflict with the teachings of Yabuki. As mentioned above, Yabuki's invention is for permitting a user to select information about many closely placed items (i.e. items on display) and must therefore restrict itself to highly directional wireless communication so that the user may aim his wireless device at a particular object. Yabuki explains this at least in Col. 4, lines 4-12 that,

" If a request signal from the transceiver 43 is received by different exhibition objects, the transponders 51 of these objects will simultaneously return their own identification codes, to confuse the terminal 40. To avoid the confusion, the wireless signal transmitted from the transceiver 43 must be highly directional. In addition, the terminal 40 must be designed so that the user may easily direct an output port of the transceiver 43 toward the transponder 51 of a target exhibition object".

By contrast, Rautila's hotspots use omnidirectional wireless communication, and the user must log-on to download previously purchased digital media (i.e. music, etc.) in a manner similar to purchasing items on the world-wide-web (i.e. the Internet). Since Yabuki teaches away from the use of a menu for requesting data on displayed items (see Yabuki Col. 1, lines 24-32), and instead teaches that his wireless communication device "must be highly directional" in order to be pointed at a chosen target, it is clear that there is no incentive to combine the teachings of Rautila with those of Yabuki. Furthermore, if the teachings of Rautila were combined with those of Yabuki, then Yabuki's structure would cease to function for its intended purpose since a

user of Yabuki's device would no longer be able to request data on a specific item by pointing his wireless device at the item.

The Office Action similarly rejects claims 2 and 8 by attempting to combine the teachings of Rautila with those of Yabuki, but as explained immediately above, the teaching of Rautila are in direct conflict with the teachings of Yabuki. In the case of claim 2, Rautila's use of LPRF signals are a direct result of his use of omnidirectional communication, which is contrary to the teachings of Yabuki. Please note that the limitations of claims 2 and 8 have been incorporated into claim 1, and claims 2 and 8 are subsequently canceled.

In reference to claim 6, whose limitations are currently incorporated into its base claim 1, the Office Action asserts that "Yabuki discloses the service information request including user attributes, i.e., identification code, wherein the memory of the wireless information distributing device (12, figure 1) stores the information corresponding to the user attributes, and the control unit of the wireless information distribution device (11, figure 1) retrieves the information from the memory corresponding to the user attributes (col. 4, lines 39-58)". Applicants respectfully disagree, and point out that the Office Action appears to be confusing attributes identifying a target object with attributes used to identify the user of the portable wireless device. Yabuki has no mechanism for identifying the user of his portable device. This is because Yabuki's portable device is used to provide information about items on display and is not concerned with who might be using his portable device. The cited excerpt (Col. 4, lines 39-58) make it clear that the user points his portable device 40 at a target object 50, and the target object' transponder 51 sends its identification information to the portable device 40. The portable device then redirects this identification information to general control unit 10, which responds by sending descriptive data about the target device 50 to the portable device 40. The point is that Yabuki makes it clear that his general control unit 10 maintains data about the items on the display (50A-50D), but does not maintain information about the user of portable device 40.

By incorporating the limitations of claims 2, 6, and 8 (all of which are subsequently cancelled) into their base claim 1, it is made clear that the external

transmitting/receiving device of the wireless information distribution device transmits a communication request signal to the portable wireless device at regular intervals, and the portable wireless device transmits the service information request to the external wireless information distribution device in response to receiving the communication signal. Furthermore, the transmitted service information request is defined as including user attributes, and the first memory of the wireless information distribution device is defined as maintaining a record of both the user attributes and the service information corresponding to the stored user attributes. Lastly, claim 1 now recites that the portable wireless device transmits a service information request for local-specific information, and the wireless information distribution device retrieves from its first memory only local-specific service information that corresponds to the user-provided user attributes.

Since the wireless information distribution device only needs to retrieve local-specific information that corresponds to the supplied user attributes, the amount of information retrieval and transmission is reduced and the communication transaction is thereby made more efficient. Thus, the user of the portable wireless device receives only relevant information relating specifically to the user. This makes it possible to reduce power consumption in the entire system, as well as reduce power consumption of the portable wireless device. This further makes it possible to physically construct a smaller portable wireless device.

In reference to claim 7, Applicants reiterate that Yabuki provides descriptions of items on display, and does not provide "service information" (as defined in the present application) corresponding to the user of Yabuki's portable device.

Claim 9 was rejected for similar reasons as claim 1. Firstly as explained above in reference to claim 1, Yabuki does not teach or suggest storing and providing of "service information", as used in the presently claimed invention. Secondly, the teachings of Rautila are incompatible with the teachings of Yabuki such that there is no motivation to combine both references.

Claims 11, 18, 26, 28, 36, and 38 were rejected for similar reasons as claims 6, 2, 9, and 6, 9, and 9, respectfully. Thus Applicants refers to the remarks set forth above in response to Office Action rejections of claims 11, 18, 26, 28, 36, and 38.

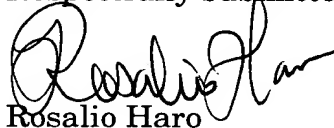
In reference to claims 3 and 4, the Office Action notes that Dousaka et al. show a device for determining a travel route, and suggest that it would be obvious to combine the teachings of Dousaka et al. with those of Yabuki. Applicants respectfully point out that Dousaka et al. do not recite (in their abstract) the retrieval of travel information from a remote cite. Rather, Dousaka et al. describe a device that has all such train transportation information already stored in its "storage part 21". The only wireless communication recited in Dousaka et al.'s abstract is with a satellite for implementing a global positioning system operation in order to track the position of the user and let the user know when he/she is approaching his/her destination. There is no incentive or suggestion to combine the global positioning device of Dousaka et al. with Yabuki's system for providing information about displayed items. Indeed, Yabuki teaches away from monitoring the user and instead teaches making note of only the items on display about which the user may wish to learn more. That is, Yabuki teaches that the user points his wireless device at an object he/she wants to learn more about, but the user does not identify himself/herself in any way to Yabuki's central information system.

Claims 12-17 and 29-30 were rejected for similar reasons as set forth in reference to claims 3 and 4. Applicants respectfully point out that claim 15 requires that the portable device retrieve "information about any stairs, escalators, or elevators available for said user". None of the cited prior art teach retrieving such specific information regarding the building structure of a station through which the user will be traveling. Similarly, claim 16 teaches retrieving "any wait time expected at a given transfer point". The portable device of Dousaka et al. is incapable of retrieving such information since it is only in communication with a satellite for use in ascertaining the user's current position. Similarly, none of the cited prior art teach or suggest retrieving such up-to date information regarding delays in a travel schedule.

Independent claims 19, 31, 37 and 39, along with their dependent claims 21, 24, 25, and 33 were rejected as being anticipated by Rautila. Claims 19, 31, 37, and 39 have been amended to more clearly recite that the portable device *automatically* transmits a service information request to the external transmitting/receiving device *in response to* coming within range of the external transmitting/receiving device. This is in direct conflict with the teachings of Rautila, which describes a system wherein a user that enters within the range of a hotspot is provided with a list of various items (including services) available for purchase and the user may then optionally select an item for purchase. By contrast the portable device of the present invention automatically submits a request for specific service information without any intervention from the user (i.e. the user does not need to view a list of available items and select an item for purchase).

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application.

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